

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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EPHRAIM WEISSMANDL, RIVKA  
WEISSMANDL AND CHAMPION DC, INC.,

Plaintiffs,

- against -

Docket No.: 18-cv-6743

**ANSWER**

THE COUNTY OF ROCKLAND, THE COUNTY  
OF ROCKLAND HEALTH DEPARTMENT,  
EDWIN J. DAY, as Rockland County Executive,  
PATRICIA S. RUPPERT, DO, MHP, CEP, DAMFM,  
FAA, as Commissioner, JOHN G. STOUGHTON,  
As Senior Public Health Sanitarian and “JOHN DOES  
AND JANE DOES 1-10”,

Defendants.

~~~~~X

Defendants The County Of Rockland, The County Of Rockland Health Department,
Edwin J. Day as Rockland County Executive, Patricia S. Ruppert, DO, MHP, CEP, DAMFM,
FAA, as Commissioner, John G. Stoughton, As Senior Public Health Sanitarian (collectively
“Answering Defendants”), by and through their attorneys, Bleakley Platt & Schmidt, LLP, as
and for their Answer to the Complaint, allege as follows:

1. Deny knowledge or information sufficient to form a belief as to the allegations
contained in Paragraph “1” of the Complaint.
2. Deny the allegations contained in paragraph “2” of the Complaint.
3. Deny the allegations contained in paragraph “3” of the Complaint.
4. Deny the allegations contained in paragraph “4” of the Complaint.

JURISDICTION AND VENUE

5. Paragraph “5” of Plaintiffs’ Complaint contains conclusions of law to which no response is required. To the extent a response is required, Answering Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations contained therein.

6. Deny knowledge or information sufficient to form a belief concerning the allegations contained in paragraph “6” of the Complaint.

7. Paragraph “7” of Plaintiffs’ Complaint contains conclusions of law to which no response is required. To the extent a response is required, Answering Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations contained therein.

8. Paragraph “8” of Plaintiffs’ Complaint contains conclusions of law to which no response is required. To the extent a response is required, Answering Defendants deny the truth of the allegations contained therein.

THE PARTIES

9. Deny knowledge or information sufficient to form a belief concerning the allegations contained in paragraph “9” of the Complaint.

10. Deny knowledge or information sufficient to form a belief concerning the allegations contained in paragraph “10” of the Complaint.

11. Deny knowledge or information sufficient to form a belief concerning the allegations contained in paragraph “11” of the Complaint.

12. Deny knowledge or information sufficient to form a belief concerning the allegations contained in paragraph “12” of the Complaint.

13. Deny knowledge or information sufficient to form a belief concerning the allegations contained in paragraph “13” of the Complaint.

14. Deny knowledge or information sufficient to form a belief concerning the allegations contained in paragraph “14” of the Complaint.

15. Admit that Defendant County of Rockland is a Municipal Corporation organized under the laws of the State of New York, and otherwise deny knowledge or information sufficient to form a belief concerning the remaining allegations contained in paragraph “15” of the Complaint.

16. Admit that Defendant County of Rockland Health Department is a department within the County of Rockland and otherwise deny knowledge or information sufficient to form a belief concerning the remaining allegations contained in paragraph “16” of the Complaint.

17. Admit that Defendant Edwin J. Day is and was the duly elected County Executive for the County of Rockland, New York and resides in the County of Rockland, State of New York from January 1, 2014 to the present and otherwise denies knowledge or information sufficient to form a belief concerning the remaining allegations contained in paragraph “17” of the Complaint.

18. Admit that Defendant Patricia Ruppert, DO, MHP, CEP, DAMFM, FAA has been duly employed as a Commission for the Department of Health in the County of Rockland and has an Office for the conduct of business in the County of Rockland and otherwise deny knowledge or information sufficient to form a belief concerning the remaining allegations set forth in paragraph “18” of the Complaint.

19. Admits that Defendant John Stoughton is the Senior Public Health Sanitarian for the Health Department in the County of Rockland and has an Office for the conduct of business

in the County of Rockland and otherwise deny knowledge or information sufficient to form a belief concerning the remaining allegations set forth in paragraph “19” of the Complaint.

20. Deny knowledge or information sufficient to form a belief concerning the allegations contained in paragraph “20” of the Complaint.

STATEMENT OF FACTS

21. Deny knowledge or information sufficient to form a belief concerning the allegations contained in paragraph “21” of the Complaint.

22. Deny the allegations contained in paragraph “22” of the Complaint.

23. Deny the allegations contained in paragraph “23” of the Complaint.

24. Deny knowledge or information sufficient to form a belief concerning the allegations contained in paragraph “24” of the Complaint.

25. Deny the allegations contained in paragraph “25” of the Complaint.

26. Deny knowledge or information sufficient to form a belief concerning the allegations contained in paragraph “26” of the Complaint.

27. Deny knowledge or information sufficient to form a belief concerning the allegations contained in paragraph “27” of the Complaint.

28. Deny knowledge or information sufficient to form a belief concerning the allegations contained in paragraph “28” of the Complaint.

29. Deny knowledge or information sufficient to form a belief concerning the allegations contained in paragraph “29” of the Complaint.

30. Deny knowledge or information sufficient to form a belief concerning the allegations contained in paragraph “30” of the Complaint.

31. Deny knowledge or information sufficient to form a belief concerning the allegations contained in paragraph “31” of the Complaint.

32. Deny knowledge or information sufficient to form a belief concerning the allegations contained in paragraph “32” of the Complaint.

33. Deny knowledge or information sufficient to form a belief concerning the allegations contained in paragraph “33” of the Complaint.

34. Deny knowledge or information sufficient to form a belief concerning the allegations contained in paragraph “34” of the Complaint.

35. Deny knowledge or information sufficient to form a belief concerning the allegations contained in paragraph “35” of the Complaint.

36. Deny knowledge or information sufficient to form a belief concerning the allegations contained in paragraph “36” of the Complaint.

37. Deny knowledge or information sufficient to form a belief concerning the allegations contained in paragraph “37” of the Complaint.

38. Deny knowledge or information sufficient to form a belief concerning the allegations contained in paragraph “38” of the Complaint.

39. Deny knowledge or information sufficient to form a belief concerning the allegations contained in paragraph “39” of the Complaint.

40. Deny the allegations contained in paragraph “40” of the Complaint.

41. Deny knowledge or information sufficient to form a belief concerning the allegations contained in paragraph “41” of the Complaint.

42. Deny knowledge or information sufficient to form a belief concerning the allegations contained in paragraph “42” of the Complaint.

43. Deny knowledge or information sufficient to form a belief concerning the allegations contained in paragraph “43” of the Complaint.

44. Deny knowledge or information sufficient to form a belief concerning the allegations contained in paragraph “44” of the Complaint.

45. Deny the allegations contained in paragraph “45” of the Complaint.

46. Deny the allegations contained in paragraph “46” of the Complaint.

47. Deny the allegations contained in paragraph “47” of the Complaint.

48. Deny the allegations contained in paragraph “48” of the Complaint.

49. Admit that Andrew Picariello inspected Camp Merockdim Girls and Merockdim Boys on June 22, 2011 and July 28, 2011 and otherwise deny knowledge or information sufficient to form a belief concerning the remaining allegations contained in paragraph “49” of the Complaint.

50. Deny the allegations contained in paragraph “50” of the Complaint.

51. Deny the allegations contained in paragraph “51” of the Complaint.

52. Deny the allegations contained in paragraph “52” of the Complaint.

53. Deny the allegations contained in paragraph “53” of the Complaint.

54. Deny the allegations contained in paragraph “54” of the Complaint.

55. Deny the allegations contained in paragraph “55” of the Complaint.

56. Deny knowledge or information sufficient to form a belief concerning the allegations contained in paragraph “56” of the Complaint.

57. Deny the allegations contained in paragraph “57” of the Complaint.

58. Deny knowledge or information sufficient to form a belief concerning the allegations contained in paragraph “58” of the Complaint.

59. Deny the allegations contained in paragraph “59” of the Complaint.
60. Deny the allegations contained in paragraph “60” of the Complaint.
61. Deny the allegations contained in paragraph “61” of the Complaint.
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65. Deny the allegations contained in paragraph “65” of the Complaint.
66. Deny the allegations contained in paragraph “66” of the Complaint.
67. Deny the allegations contained in paragraph “67” of the Complaint.
68. Deny knowledge or information sufficient to form a belief concerning the allegations contained in paragraph “68” of the Complaint.
69. Deny knowledge or information sufficient to form a belief concerning the allegations contained in paragraph “69” of the Complaint.
70. Deny the allegations contained in paragraph “70” of the Complaint.
71. Deny knowledge or information sufficient to form a belief concerning the allegations contained in paragraph “71” of the Complaint.
72. Deny the allegations contained in paragraph “72” of the Complaint.
73. Deny the allegations contained in paragraph “73” of the Complaint.
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75. Deny the allegations contained in paragraph “75” of the Complaint.
76. Deny the allegations contained in paragraph “76” of the Complaint.
77. Deny knowledge or information sufficient to form a belief concerning the allegations contained in paragraph “77” of the Complaint.

78. Deny knowledge or information sufficient to form a belief concerning the allegations contained in paragraph “78” of the Complaint.

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81. Deny knowledge or information sufficient to form a belief concerning the allegations contained in paragraph “81” of the Complaint.

82. Deny knowledge or information sufficient to form a belief concerning the allegations contained in paragraph “82” of the Complaint.

83. Deny the allegations contained in paragraph “83” of the Complaint.

84. Deny knowledge or information sufficient to form a belief concerning the allegations contained in paragraph “84” of the Complaint.

85. Deny the allegations contained in paragraph “85” of the Complaint.

86. Deny the allegations contained in paragraph “86” of the Complaint.

87. Deny knowledge or information sufficient to form a belief concerning the allegations contained in paragraph “87” of the Complaint.

88. Deny the allegations contained in paragraph “88” of the Complaint.

89. Deny knowledge or information sufficient to form a belief concerning the allegations contained in paragraph “89” of the Complaint.

90. Deny knowledge or information sufficient to form a belief concerning the allegations contained in paragraph “90” of the Complaint.

91. Deny knowledge or information sufficient to form a belief concerning the allegations contained in paragraph “91” of the Complaint.

92. Deny knowledge or information sufficient to form a belief concerning the allegations contained in paragraph “92” of the Complaint.

93. Deny knowledge or information sufficient to form a belief concerning the allegations contained in paragraph “93” of the Complaint.

94. Deny the allegations contained in paragraph “94” of the Complaint.

95. Deny the allegations contained in paragraph “95” of the Complaint.

96. Deny knowledge or information sufficient to form a belief concerning the allegations contained in paragraph “96” of the Complaint.

97. Deny the allegations contained in paragraph “97” of the Complaint.

98. Deny the allegations contained in paragraph “98” of the Complaint.

99. Deny the allegations contained in paragraph “99” of the Complaint.

100. Deny the allegations contained in paragraph “100” of the Complaint.

101. Deny the allegations contained in paragraph “101” of the Complaint.

102. Deny the allegations contained in paragraph “102” of the Complaint.

103. Deny knowledge or information sufficient to form a belief concerning the allegations contained in paragraph “103” of the Complaint.

104. Deny knowledge or information sufficient to form a belief concerning the allegations contained in paragraph “104” of the Complaint.

105. Deny knowledge or information sufficient to form a belief concerning the allegations contained in paragraph “105” of the Complaint.

106. Deny knowledge or information sufficient to form a belief concerning the allegations contained in paragraph “106” of the Complaint.

107. Deny knowledge or information sufficient to form a belief concerning the allegations contained in paragraph “107” of the Complaint.

108. Deny the allegations contained in paragraph “108” of the Complaint.

109. Deny the allegations contained in paragraph “109” of the Complaint.

110. Deny the allegations contained in paragraph “110” of the Complaint.

111. Deny the allegations contained in paragraph “111” of the Complaint.

112. Deny knowledge or information sufficient to form a belief concerning the allegations contained in paragraph “112” of the Complaint.

113. Deny knowledge or information sufficient to form a belief concerning the allegations contained in paragraph “113” of the Complaint.

114. Deny knowledge or information sufficient to form a belief concerning the allegations contained in paragraph “114” of the Complaint.

115. Deny the allegations contained in paragraph “115” of the Complaint.

116. Deny knowledge or information sufficient to form a belief concerning the allegations contained in paragraph “116” of the Complaint.

117. Deny knowledge or information sufficient to form a belief concerning the allegations contained in paragraph “117” of the Complaint.

118. Deny the allegations contained in paragraph “118” of the Complaint.

119. Deny knowledge or information sufficient to form a belief concerning the allegations contained in paragraph “119” of the Complaint.

120. Deny knowledge or information sufficient to form a belief concerning the allegations contained in paragraph “120” of the Complaint.

121. Deny the allegations contained in paragraph “121” of the Complaint.

122. Deny the allegations contained in paragraph “122” of the Complaint.

123. Deny the allegations contained in paragraph “123” of the Complaint.

124. Deny the allegations contained in paragraph “124” of the Complaint.

125. Deny knowledge or information sufficient to form a belief concerning the allegations contained in paragraph “125” of the Complaint.

126. Deny knowledge or information sufficient to form a belief concerning the allegations contained in paragraph “126” of the Complaint.

127. Deny knowledge or information sufficient to form a belief concerning the allegations contained in paragraph “127” of the Complaint.

128. Deny knowledge or information sufficient to form a belief concerning the allegations contained in paragraph “128” of the Complaint.

129. Deny knowledge or information sufficient to form a belief concerning the allegations contained in paragraph “129” of the Complaint.

130. Deny knowledge or information sufficient to form a belief concerning the allegations contained in paragraph “130” of the Complaint.

131. Deny knowledge or information sufficient to form a belief concerning the allegations contained in paragraph “131” of the Complaint.

132. Deny knowledge or information sufficient to form a belief concerning the allegations contained in paragraph “132” of the Complaint.

133. Deny the allegations contained in paragraph “133” of the Complaint.

134. Deny knowledge or information sufficient to form a belief concerning the allegations contained in paragraph “134” of the Complaint.

135. Deny knowledge or information sufficient to form a belief concerning the allegations contained in paragraph “135” of the Complaint.

136. Deny knowledge or information sufficient to form a belief concerning the allegations contained in paragraph “136” of the Complaint.

137. Deny knowledge or information sufficient to form a belief concerning the allegations contained in paragraph “137” of the Complaint.

138. Deny knowledge or information sufficient to form a belief concerning the allegations contained in paragraph “138” of the Complaint.

139. Deny knowledge or information sufficient to form a belief concerning the allegations contained in paragraph “139” of the Complaint.

140. Deny knowledge or information sufficient to form a belief concerning the allegations contained in paragraph “140” of the Complaint.

141. Deny the allegations contained in paragraph “141” of the Complaint.

142. Deny the allegations contained in paragraph “142” of the Complaint.

143. Deny knowledge or information sufficient to form a belief concerning the allegations contained in paragraph “143” of the Complaint.

144. Deny knowledge or information sufficient to form a belief concerning the allegations contained in paragraph “144” of the Complaint.

145. Deny knowledge or information sufficient to form a belief concerning the allegations contained in paragraph “145” of the Complaint.

146. Deny knowledge or information sufficient to form a belief concerning the allegations contained in paragraph “146” of the Complaint.

147. Deny knowledge or information sufficient to form a belief concerning the allegations contained in paragraph “147” of the Complaint.

148. Deny knowledge or information sufficient to form a belief concerning the allegations contained in paragraph “148” of the Complaint.

149. Deny the allegations contained in paragraph “149” of the Complaint.

150. Deny knowledge or information sufficient to form a belief concerning the allegations contained in paragraph “150” of the Complaint.

151. Deny knowledge or information sufficient to form a belief concerning the allegations contained in paragraph “151” of the Complaint.

152. Deny knowledge or information sufficient to form a belief concerning the allegations contained in paragraph “152” of the Complaint.

153. Deny the allegations contained in paragraph “153” of the Complaint.

154. Deny knowledge or information sufficient to form a belief concerning the allegations contained in paragraph “154” of the Complaint.

155. Deny the allegations contained in paragraph “155” of the Complaint.

156. Deny knowledge or information sufficient to form a belief concerning the allegations contained in paragraph “156” of the Complaint.

157. Deny knowledge or information sufficient to form a belief concerning the allegations contained in paragraph “157” of the Complaint.

158. Deny the allegations contained in paragraph “158” of the Complaint.

159. Deny knowledge or information sufficient to form a belief concerning the allegations contained in paragraph “159” of the Complaint.

160. Deny the allegations contained in paragraph “160” of the Complaint.

161. Deny the allegations contained in paragraph “161” of the Complaint.

162. Deny the allegations contained in paragraph “162” of the Complaint.

163. Deny knowledge or information sufficient to form a belief concerning the allegations contained in paragraph “163” of the Complaint.

164. Deny the allegations contained in paragraph “164” of the Complaint.

165. Deny the allegations contained in paragraph “165” of the Complaint.

166. Deny the allegations contained in paragraph “166” of the Complaint.

167. Deny knowledge or information sufficient to form a belief concerning the allegations contained in paragraph “167” of the Complaint.

168. Deny the allegations contained in paragraph “168” of the Complaint.

169. Deny the allegations contained in paragraph “169” of the Complaint.

170. Deny the allegations contained in paragraph “170” of the Complaint.

171. Deny the allegations contained in paragraph “171” of the Complaint.

172. Deny the allegations contained in paragraph “172” of the Complaint.

173. Deny the allegations contained in paragraph “173” of the Complaint.

174. Deny the allegations contained in paragraph “174” of the Complaint.

CLAIMS FOR RELIEF

AS AND FOR A RESPONSE TO THE FIRST CLAIM FOR RELIEF

175. Repeat and reallege the denials and admissions hereinbefore made to the allegations contained in paragraphs “1” through “174” herein.

176. Paragraph “176” of Plaintiffs’ Complaint contains conclusions of law to which no response is required. To the extent a response is required, Answering Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations contained therein.

177. Deny the allegations contained in paragraph “177” of the Complaint.

178. Deny the allegations contained in paragraph “178” of the Complaint.

179. Deny the allegations contained in paragraph “179” of the Complaint.

180. Deny the allegations contained in paragraph “180” of the Complaint.

181. Deny the allegations contained in paragraph “181” of the Complaint.

182. Deny the allegations contained in paragraph “182” of the Complaint.

AS AND FOR A RESPONSE TO THE SECOND CLAIM FOR RELIEF

183. Repeat and reallege the denials and admissions hereinbefore made to the allegations contained in paragraphs “1” through “182” herein.

184. Paragraph “184” of Plaintiffs’ Complaint contains conclusions of law to which no response is required. To the extent a response is required, Answering Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations contained therein.

185. Paragraph “185” of Plaintiffs’ Complaint contains conclusions of law to which no response is required. To the extent a response is required, Answering Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations contained therein.

186. Deny the allegations contained in paragraph “186” of the Complaint.

187. Deny the allegations contained in paragraph “187” of the Complaint.

188. Deny the allegations contained in paragraph “188” of the Complaint.

189. Deny the allegations contained in paragraph “189” of the Complaint.

190. Deny the allegations contained in paragraph “190” of the Complaint.

191. Deny the allegations contained in paragraph “191” of the Complaint.

AS AND FOR A RESPONSE TO THE THIRD CLAIM FOR RELIEF

192. Repeat and reallege the denials and admissions hereinbefore made to the allegations contained in paragraphs “1” through “191” herein.

193. Deny the allegations contained in paragraph “193” of the Complaint.

194. Deny the allegations contained in paragraph “194” of the Complaint.

195. Deny the allegations contained in paragraph “195” of the Complaint.

196. Deny the allegations contained in paragraph “196” of the Complaint.

197. Deny the allegations contained in paragraph “197” of the Complaint.

198. Deny the allegations contained in paragraph “198” of the Complaint.

199. Deny the allegations contained in paragraph “199” of the Complaint.

AS AND FOR A RESPONSE TO THE FOURTH CLAIM FOR RELIEF

200. Repeat and reallege the denials and admissions hereinbefore made to the allegations contained in paragraphs “1” through “199” herein.

201. Deny the allegations contained in paragraph “201” of the Complaint.

202. Deny the allegations contained in paragraph “202” of the Complaint.

203. Deny the allegations contained in paragraph “203” of the Complaint.

204. Deny the allegations contained in paragraph “204” of the Complaint.

205. Deny the allegations contained in paragraph “205” of the Complaint.

206. Deny the allegations contained in paragraph “206” of the Complaint.

- 207. Deny the allegations contained in paragraph “207” of the Complaint.
- 208. Deny the allegations contained in paragraph “2048” of the Complaint.
- 209. Deny the allegations contained in paragraph “209” of the Complaint.
- 210. Deny the allegations contained in paragraph “210” of the Complaint.
- 211. Deny the allegations contained in paragraph “211” of the Complaint.

AS AND FOR A RESPONSE TO THE FOURTH CLAIM FOR RELIEF

212. Repeat and reallege the denials and admissions hereinbefore made to the allegations contained in paragraphs “1” through “211” herein.

- 213. Deny the allegations contained in paragraph “213” of the Complaint.
- 214. Deny the allegations contained in paragraph “214” of the Complaint.
- 215. Deny the allegations contained in paragraph “215” of the Complaint.
- 216. Deny the allegations contained in paragraph “216” of the Complaint.

AS AND FOR A RESPONSE TO THE FIFTH CLAIM FOR RELIEF

217. Repeat and reallege the denials and admissions hereinbefore made to the allegations contained in paragraphs “1” through “216” herein.

- 218. Deny the allegations contained in paragraph “218” of the Complaint.
- 219. Deny the allegations contained in paragraph “219” of the Complaint.
- 220. Deny the allegations contained in paragraph “220” of the Complaint.
- 221. Deny the allegations contained in paragraph “221” of the Complaint.

AS AND FOR A RESPONSE TO THE SIXTH CLAIM FOR RELIEF

222. Repeat and reallege the denials and admissions hereinbefore made to the allegations contained in paragraphs “1” through “221” herein.

- 223. Deny the allegations contained in paragraph “223” of the Complaint.

224. Deny the allegations contained in paragraph “224” of the Complaint.

225. Deny the allegations contained in paragraph “225” of the Complaint.

AS AND FOR A RESPONSE TO THE SEVENTH CLAIM FOR RELIEF

226. Repeat and reallege the denials and admissions hereinbefore made to the allegations contained in paragraphs “1” through “225” herein.

227. Deny the allegations contained in paragraph “227” of the Complaint.

228. Deny the allegations contained in paragraph “228” of the Complaint.

AS AND FOR A FIRST AFFIRMATIVE DEFENSE

229. The Complaint fails to state a claim upon which relief can be granted against the Answering Defendants.

AS AND FOR A SECOND AFFIRMATIVE DEFENSE

230. The relief sought in the Complaint is barred by the doctrine of laches.

AS AND FOR A THIRD AFFIRMATIVE DEFENSE

231. The relief sought in the Complaint failed to exhaust his administrative remedies.

AS AND FOR A FOURTH AFFIRMATIVE DEFENSE

232. Answering Defendants are protected from liability and suit by the doctrine of qualified immunity.

AS AND FOR A FIFTH AFFIRMATIVE DEFENSE

233. Answering Defendants are protected from liability and suit by the doctrine of qualified immunity.

WHEREFORE, Answering Defendants demand dismissal of the Complaint in its entirety, together with costs, reasonable attorneys' fees, and such other relief as to the Court seems just and proper.

REQUEST FOR JURY TRIAL

Pursuant to Federal Rule of Civil Procedure 38, Answering Defendants respectfully request that this matter be tried by a jury.

Dated: White Plains, NY
September 20, 2018

Respectfully submitted,

BLEAKLEY PLATT & SCHMIDT, LLP

BY: s/
Matthew G. Parisi, Esq.
*Co-Counsel for Defendants Edwin J. Day as
Rockland County Executive, County of Rockland,
The County of Rockland Health Department
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FAA, As Commissioner, John G. Stoughton, as
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County Attorney
County of Rockland
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Rockland County Executive, County of Rockland,
The County of Rockland Health Department
Patricia S. Ruppert, DO, MHP, CEP, DAMFM, FAA,
As Commissioner, John G. Stoughton, as Senior
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